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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,349	04/12/2004	Gary D. Rondeau	ASC 301	4733
23581	7590	07/10/2006	EXAMINER	
KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			NGUYEN, THONG Q	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/823,349

Applicant(s)

RONDEAU ET AL.

Examiner

Thong Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/2006 has been entered.

### ***Response to Amendment***

2. The present Office action is made in response to the amendment filed on 5/22/2006. It is noted that in the amendment, applicant has amended claims 1-2 and 7 and added claims 11-17 into the application.

A review of the device as recited in the newly-added claims 11-17 has resulted that the device as recited in claims 11-16, note that new claim 17 is a dependent claim of amended claim 7, has the same scope as those of the amended claims, thus all pending claims 1-17 are examined in this Office action.

### ***Drawings***

3. The drawings contained four replacement sheets of figures 1-7 were received on 5/22/2006. These drawings are approved by the Examiner.

### ***Specification***

4. The lengthy specification which is amended by the amendment of 5/22/06 has not been checked to the extent necessary to determine the presence of all possible

minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The disclosure is objected to because of the following informalities: The objection to the specification as failing to provide a summary of the invention as set forth in the previous Office action is repeated. It is noted that in the amendment of 5/22/06, applicant has requested to add a summary of the invention into the present application. However, the addition of the Summary of the invention as requested by the applicant in the amendment of 5/22/06 has not been entered because applicant has failed to disclose the page and the line in which the summary of the invention is inserted. Appropriate correction is required.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not provide a proper antecedent basis for the feature related to the passage of transmitted light through the openings of the X-axis, Y-axis and Z-axis plates as recited in claim 7.

### ***Claim Objections***

7. The objections to claims 1, 4-5 and 7 are overcome by the amendments to the claims as provided in the amendment of 5/22/06.

### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 17 is rejected under 35 USC 112, first paragraph because the specification, as originally filed, does not provide the method steps as recited in the newly-added claim 17. Applicant should note that the specification, as originally filed, does not disclose the step of removing the sample from the z-axis plate, and the step of mounting a second sample on the Z-axis plate and rectilinearly translating the Z-axis plate carrying the second sample to focus as claimed in the newly-added claim 17.

***Allowable Subject Matter***

10. Claims 1-16 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter:

The stage assembly as recited in each of independent claims 1 and 11, and the method for focusing of an image with an optical microscope by such a stage assembly as recited in the independent claim 7 are patentable with respect to the prior art, in particular, the U.S. Patent Nos. 6,229,607; 5,812,310 and 6,781,753 by the limitations related to the structure of the stage assembly. It is noted that the use of a stage assembly having three frames each has an opening and each is movable is disclosed in

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the art as can be seen in each of the mentioned Patents; however, the prior art does not disclose a stage assembly having the following claimed features: a XY plate assembly having a X-axis plate operable for rectilinear sliding in a X-axis direction and a Y-axis plate operable for rectilinear sliding in a Y-axis direction; a Z-axis plate mounted on the XY plate assembly for configured to carry a sample; a piezo actuator mechanism interposed between the XY plate assembly and the Z-axis plate operable for rectilinear translation of the Z-axis plate wherein each of the X-axis, Y-axis and Z-axis plates has an internal opening configured to allow passage of transmitted light and viewing of the sample by the objective lens of the microscope.

### ***Response to Arguments***

12. The amendments to the claims and applicant's arguments, see the amendment of 5/22/06, pages 15-18, with respect to the U.S. Patent No. 6,229,607 have been fully considered and are persuasive. The rejection of the claims 1, 3 and 6-9 has been withdrawn. It is also noted that applicant's arguments, see the amendment of 5/22/06, pages 14-15, with respect to the rejection of claims 1-10 under 35 USC 112, first paragraph have been fully considered and are persuasive. The rejection of the claims 1-10 has been withdrawn.

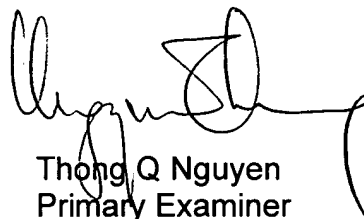
***Conclusion***

13. The U.S. Patent Nos. 6,781,753 and 4,948,330 are cited as of interest in that each discloses a stage assembly having frames with openings.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thong Q. Nguyen  
Primary Examiner  
Art Unit 2872

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*6-10-06*  
*agp*  
*11/2/06*

REPLACEMENT SHEET

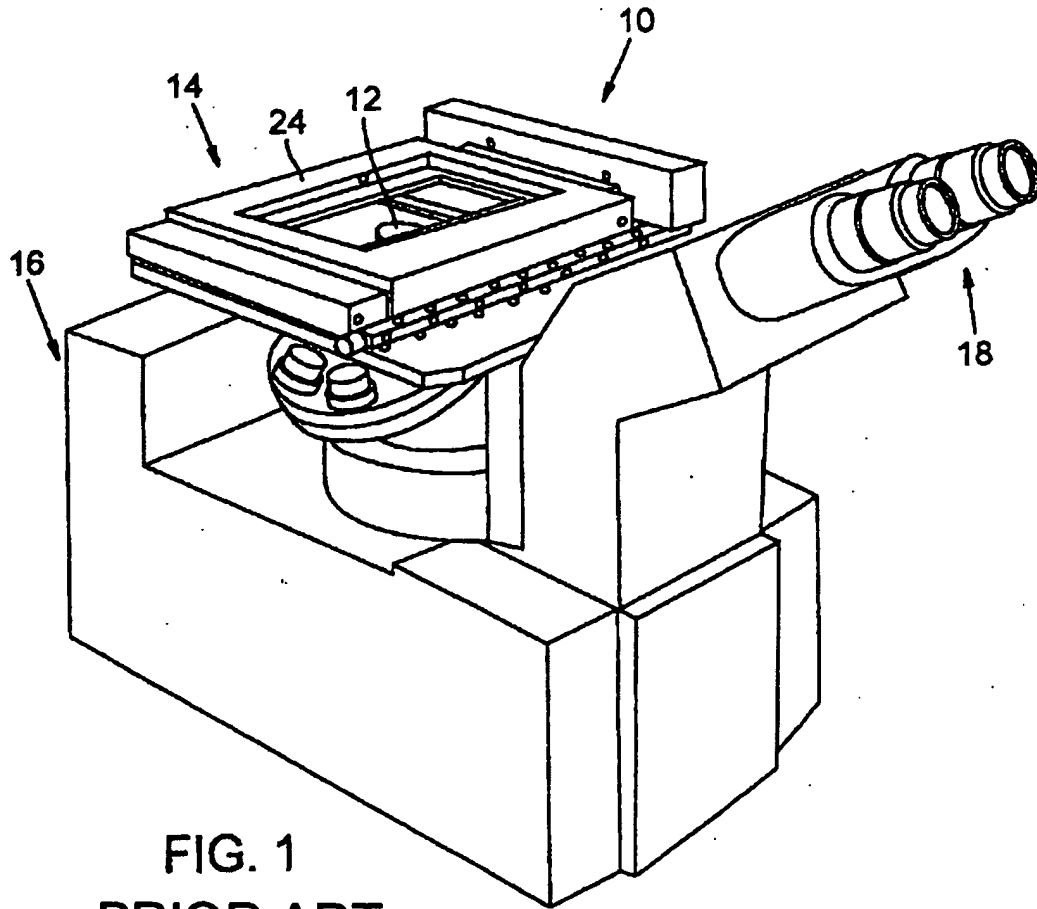
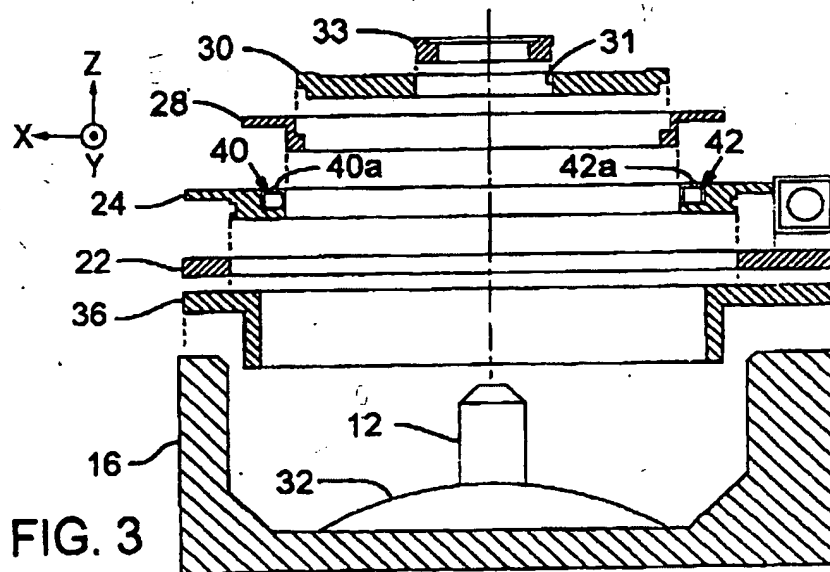
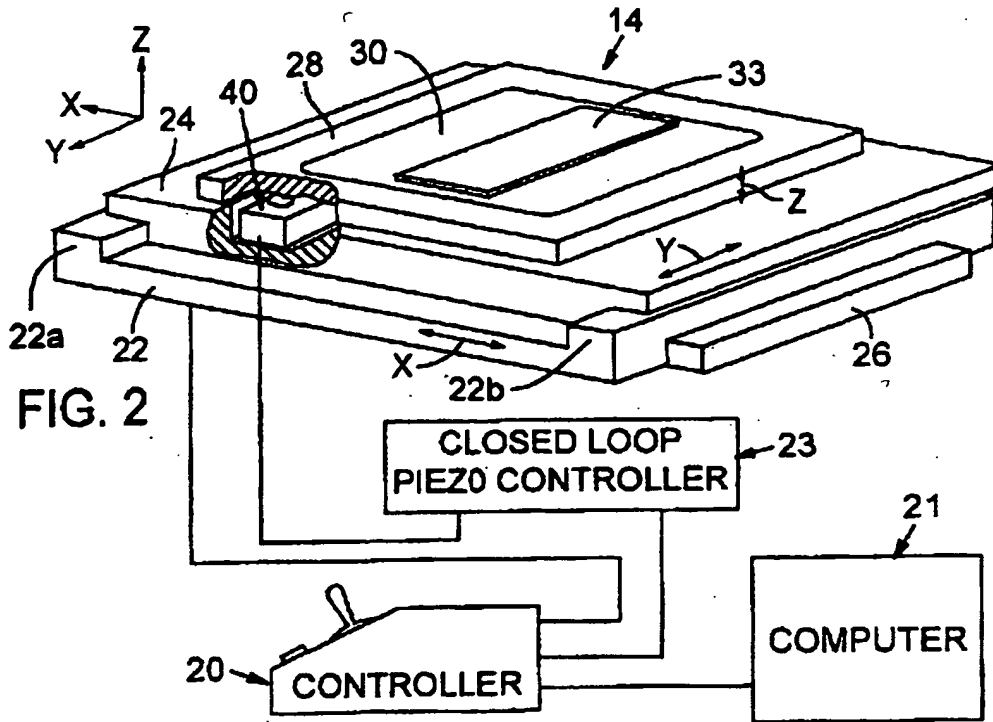


FIG. 1  
PRIOR ART



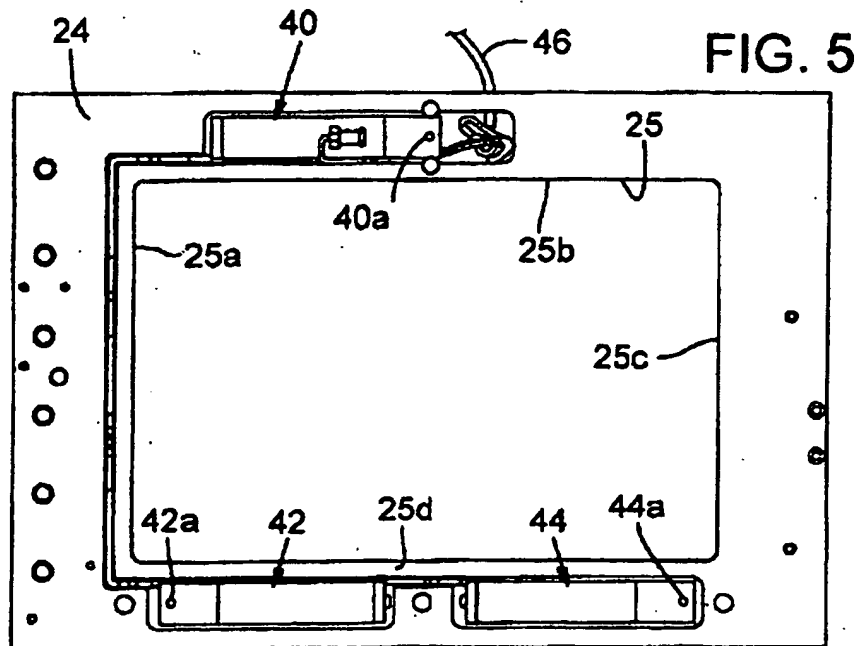
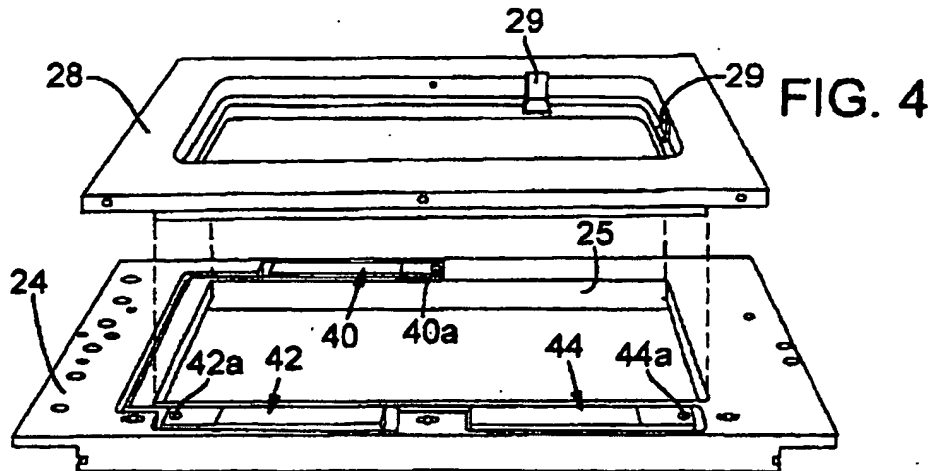
Entry approved  
 8/15/06

REPLACEMENT SHEET



*Exhaust system  
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FIG. 6

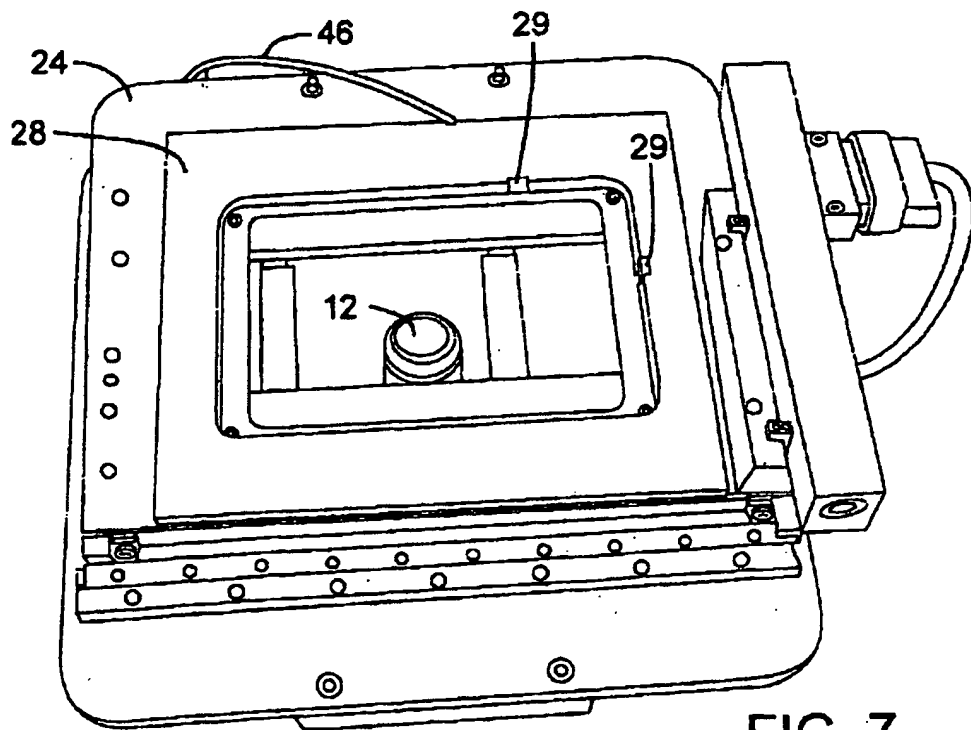
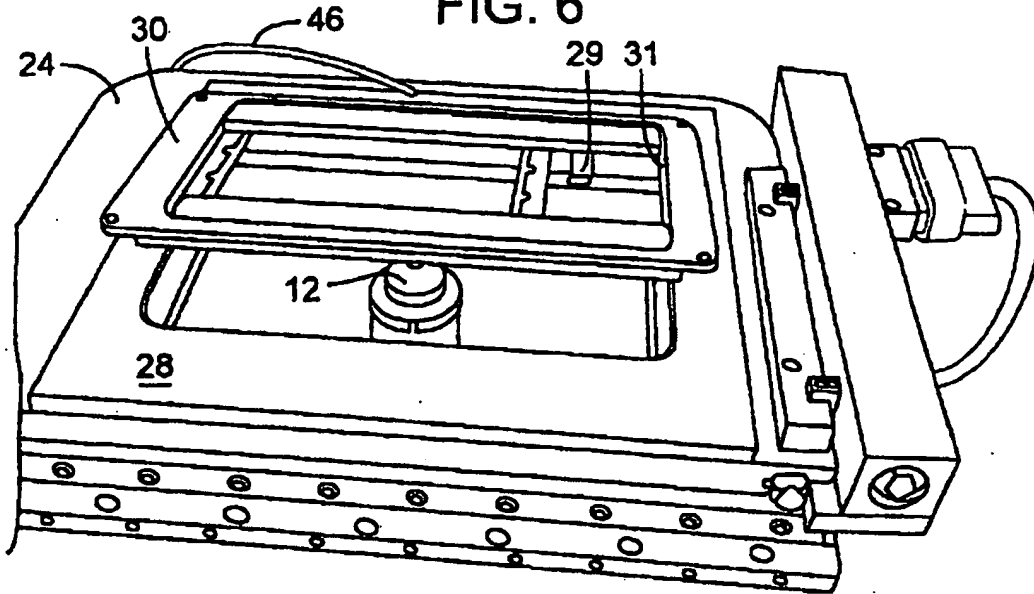


FIG. 7